



image

10-15-03

RCE

PATENT

Attorney Docket No. 05237.0003.CPUS01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Link *et al.*

Serial No.: 09/811,842

Filed: March 19, 2001

Title: Methods and Compositions for
Elucidating Protein Expression Profiles
in Cells

Art Unit: 1636

Examiner: David A. Lambertson

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Commissioner for Patents, P. O. Box 1450, Alexandria,
VA 22313-1450

Nate Le

(Typed or printed name of person mailing)

(Signature of person mailing)

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Submission required under 37 C.F.R. §1.114

(X) Previously submitted:

- (X) Consider the amendments/reply under 37 C.F.R. §1.116 previously filed on August 20, 2003.
- () Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- () Other _____.

(X) Enclosed:

- (X) Amendment/Reply
- () Affidavit(s)/Declarations(s)
- (X) Information Disclosure Statement (IDS)

10/17/2003 A30NDAF1 00000125 083038 09811842

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Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months.
- ☐ Other _____.

Fees

- ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-3038.
- ☒ RCE fee required under 37 C.F.R. §1.17(e) (Small Entity)
in the amount of \$385.
- ☒ Extension of Time fee within the first month (Small Entity)
in the amount of \$55.
- ☐ Other _____.
- ☐ Check in the amount of \$_____ is enclosed.
- ☐ Payment by credit card.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 08-3038. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-3038. This sheet is filed in duplicate

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

By: _____

David W. Clough, Ph.D.
Registration No.: 36,107

Date: October 14, 2003

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Chicago, IL 60610
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Attorney Docket No. 05237.0003.CPUS01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Link <i>et al.</i>)	<u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u>
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in Cells)	Commissioner for Patents, P. O. Box 1450, Alexandria,
)	VA 22313-1450
Art Unit: 1636)	<u>Nate Le</u>
)	(Typed or printed name of person mailing)
Examiner: David A. Lambertson)	<u>[Signature]</u>
)	(Signature of person mailing)

REQUEST FOR CONTINUED EXAMINATION (RCE) under 37 C.F.R. §1.114

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application. Applicants also request consideration of the Amendment and Response filed on August 20, 2003, and entry of the amendments, which were filed with the response, but were not entered by the Examiner on grounds that the amendments allegedly raise new issues.

In the Response, applicants cancelled claims 45 through 50, amended claims 55 and 56 to spell out acronyms 5'RACE and SAVI and amended claim 66 to correct an obvious typographical error.

Applicants also amended claims 54 and 57 by eliminating limitation of sorting into

several monoclonal or polyclonal subgroups and by reciting a limitation to sorting into subpopulations instead. In the Advisory Notice, the Examiner alleges that sorting into subpopulations of cells is a limitation that would require a new search. Applicants respectfully bring to the Examiner's attention, that the Examiner has already searched for limitation to sorting cells into monoclonal or polyclonal subgroups based on their different levels of expression of a marker peptide. A person skilled in the relevant art will recognize that the term "subgroups" is equal to the term "subpopulations." Therefore, the applicants submit that the additional search is not necessary.

The Examiner alleges that claims 58-74 would require a new search because the claims were not searched on the merits and because these claims now depend on claim 57 with limitation to sorting into subpopulations. The applicants respectfully bring to the Examiner's attention that the claims are dependent claims that further limit two methods disclosed in independent claims 53 and 57. Therefore, claims 58-74 should be considered in context of independent claims 53 and 57 and a new search for claims 58-74 independent from the context of claims 53 and 57 is not needed.

Applicants also submit herewith an Information Disclosure Statement and ask the Examiner to consider the enclosed references.

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

By: 

David W. Clough, Ph.D.
Registration No.: 36,107

Date: October 14, 2003

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